

FILED  
Clerk  
District Court

MAY 18 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

ROSARIO DLG KUMAGAI,

Plaintiff

v.

PAMELA BROWN, *et al.*,

Defendants

Civil Action No. 05-0037

ORDER GRANTING  
MOTION TO DISMISS  
FILED BY FERMIN ATALIG  
IN BOTH HIS OFFICIAL AND  
PERSONAL CAPACITIES

THIS MATTER came before the court on Monday, March 6, 2006, for hearing of the motion filed by defendant Fermin Atalig, personally and in his official capacity as the Commonwealth Secretary of Finance, to dismiss the allegations of the complaint as they pertain to him. Plaintiff appeared by and through her attorney, Brien Sers Nicholas; defendant appeared by and through his attorney, Commonwealth Assistant Attorney General Benjamin L. DeMoux.

1 FOR THE REASONS and on the grounds stated in the court's order, entered  
2 this date, granting the motion of the Commonwealth and former Attorney General  
3 Pam Brown to dismiss the complaint, defendant Atalig's motion to dismiss is granted.  
4 Plaintiff has failed to make out a violation of federal law against defendant Atalig and  
5 the court exercises its discretion and also dismisses the common law claims without  
6 prejudice, finding that the Commonwealth courts are well-positioned to adjudicate  
7 plaintiff's common law claims.  
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10 IT IS SO ORDERED.

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12 DATED this 18th day of May, 2006.

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16 ALEX R. MUNSON  
17 Judge  
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